IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8406 OF 2007

Krishnakumar Chunilal Bhalla ....Petitioner
Versus
Mrs.Suman Krishnakumar Bhalla
and Ors. ....Respondents

Ms.P.P.Tendulkar, Adv for the petitioners.

Coram: S.C.Dharmadhikari, J.

26.11.2007

P.C. :

1. Heard Ms.Tendulkar appearing for the petitioner.

2. Perused the impugned order which awards maintenance at an interim stage in favour of the respondent wife and the children.

3. The grievance of the petitioner is that he was not heard before this order was passed. He has invited my attention to paragraph 13 of the impugned order wherein it is observed that the advocate engaged by him remained

absent. In my view, the order granting interim maintenance is dated 4.4.2007. The application is made on 18.10.2006. The petitioner has only deposited Rs.50,000/- towards maintenance of his wife and children. He also does not dispute that one office premises have been sold. In such circumstances, all that could be done, is that, upon the petitioner depositing a sum of Rs.80,000/- in the Trial Court within a period of four weeks, without prejudice to the rights and contentions of parties, the Trial Court would consider his application for modification/variation of the impugned order. Such application if made after compliance of this direction, shall be decided uninflunenced by any observations in the earlier order. Needless to state, that if the petitioner does not deposit the sum as agreed before me, the impugned order stands and even the Writ Petition would stand dismissed without the same being interfered with in any manner. Upon compliance, the petitioner is at liberty to move for modification and/or variation of the interim order. Needless to state, that the respondent wife is also at liberty to withdraw the amount deposited by the petitioner and the quantum shall be determined by the

Trial Court depending upon the facts and circumstances brought to its notice. The Trial Court to then consider the application for modification and pass appropriate orders within a period of six weeks from such application being made. Petition disposed off. No orders as to costs.

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